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[New Hampshire Code of Administrative Rules](#)  
[Env-Ws 363](#)

## PART Env-Ws 363 CAPACITY ASSURANCE FOR EXISTING PUBLIC WATER SYSTEMS

Statutory Authority RSA 485:3, XII

Source. (See Revision Note at chapter heading Env-Ws 300) #6521, eff 6-4-97; ss by #7105, eff 9-23-99

Env-Ws 363.01 Purpose. The purpose of these rules is to insure that existing community and nontransient, noncommunity public water systems have sufficient technical, managerial, and financial capability to meet the requirements of the Safe Drinking Water Act and to provide effective and reliable service to customers.

Source. (See Revision Note at chapter heading Env-Ws 300) #6521, eff 6-4-97; ss by #7105, eff 9-23-99

Env-Ws 363.02 Scope.

(a) Env-Ws 363 specifies technical, managerial, and financial capacity assurance requirements for existing community PWSs and existing nontransient, noncommunity PWSs.

Source. (See Revision Note at chapter heading Env-Ws 300) #6521, eff 6-4-97; ss by #7105, eff 9-23-99

Env-Ws 363.03 Definitions.

(a) "Business plan" means a multifaceted assessment of a water utility's present and future managerial and financial condition as it affects compliance with the New Hampshire Safe Drinking Water Act and effective and efficient service to customers.

(b) "Capacity assurance rules" means the requirements for a proposed PWS as specified in Env-Ws 371, and the requirements for an existing PWS as specified in Env-Ws 363.

(c) "Department" means the department of environmental services.

(d) "Significant facility deficiencies" means violations of chapter Env-Ws 300 as specified in Env-Ws 306.01(d)(1).

Source. (See Revision Note at chapter heading Env-Ws 300) #6521, eff 6-4-97; ss by #7105, eff 9-23-99

Env-Ws 363.04 Business Plan.

(a) The business plan shall include:

(1) A brief non-technical description of the water system;

(2) A description of the system's current compliance with the SDWA;

- (3) A description of current managerial and financial matters sufficient to provide a clear understanding of the present operational condition of the water system;
- (4) An assessment, of the system's future needs including SDWA compliance, facilities or equipment that need replacement; and
- (5) An assessment by the system concerning system expansion or reduction where appropriate as determined by the owner.
- (b) The business plan shall provide for a 5 year projection and shall be updated every 3 years.
- (c) A business plan for an existing water system shall meet the criteria specified in Env-Ws 371.05.

Source. (See Revision Note at chapter heading Env-Ws 300) #6521, eff 6-4-97; ss by #7105, eff 9-23-99

Env-Ws 363.05 Deficiency Schedule - Business Plan.

- (a) Each community and nontransient noncommunity public water system shall prepare and have approved a business plan if the deficiency rating of the water system exceeds a total of 25 points as determined using the following deficiency schedule shown below in Table 363-1:

Table 363-1

Deficiency Schedule for the Capacity Assurance Business Plan

<u>Deficiency</u>	<u>Deficiency Points</u>
Operating debts; over 6 months in arrears	5
Lack of a capital reserve or sinking fund	5
Identification of significant noncompliance including:	
Monitoring	5
MCL(s)	20
Required MCL treatment	20
Significant facility deficiency(ies) as identified and	

communicated to the owner or operator in the	
sanitary survey letter as identified in Env-Ws 306.01(d)(1)	5
Average number of water system outages for the past	
quarter exceeding either one per month or 12 hours	5
Lack of a repair agreement	5
No backup operator	5

Source. (See Revision Note at chapter heading Env-Ws 300) #6521, eff 6-4-97; ss by #7105, eff 9-23-99

Env-Ws 363.06 through Env-Ws 363.09 - RESERVED

Source. (See Revision Note at chapter heading Env-Ws 300) #6521, eff 6-4-97; ss by #7105, eff 9-23-99

Env-Ws 363.10 Technical Capacity Plan For Existing Systems. Technical criteria for existing systems shall be those specified in Env-Ws 371.10.

Source. (See Revision Note at chapter heading Env-Ws 300) #6521, eff 6-4-97; ss by #7105, eff 9-23-99

Env-Ws 363.11 through Env-Ws 363.19 - RESERVED

Source. (See Revision Note at chapter heading Env-Ws 300) #6521, eff 6-4-97; ss by #7105, eff 9-23-99

Env-Ws 363.30 Financial Capacity Plan For Existing Systems.

(a) An existing public water system shall prepare a 5 year financial plan.

(b) The financial portion of the business plan shall project the annual cost of operating the water system and include the following cost categories:

(1) Annual operational costs;

(2) Payment of principal and interest payments, where applicable;

- (3) Funding of a capital reserve account for replacement of existing facilities; and
- (4) Funding of a capital reserve account for compliance with SDWA requirements.
- (c) This business plan shall project annual revenue from water billings and other water system fees and charges.
- (d) The business plan shall use generally acceptable accounting principals.
- (e) For existing systems, this first business plan shall be completed and submitted by January 1, 2001, and be updated and resubmitted to the DES once every 3 years.

Source. (See Revision Note at chapter heading Env-Ws 300) #6521, eff 6-4-97; ss by #7105, eff 9-23-99

Env-Ws 363.32 - Env-Ws 363.39 - RESERVED

Source. (See Revision Note at chapter heading Env-Ws 300) #6521, eff 6-4-97; ss by #7105, eff 9-23-99

Env-Ws 363.40 Notice to The Public.

- (a) The community public water system shall provide annual notice of the availability of the business plan in the annual consumer confidence report as described in Env-Ws 354.

Source. (See Revision Note at chapter heading Env-Ws 300) #6521, eff 6-4-97; ss by #7105, eff 9-23-99